

Town of East Gwillimbury Formal Code of Conduct Complaint #102625 Investigation Report

I. Summary of Allegations of the Complaint:

This report sets out my findings with respect to two formal complaints that were received regarding the conduct of Councillor Brian Johns (the “Respondent”) in relation to a letter he issued on September 24, 2025. Due to the overlapping nature of Complaint 1 and Complaint 2 (together, the “Complaints”), I determined that I would consolidate the matters into a single investigation and report. This report sets out my findings with respect to the Complaints.

The Respondent’s letter written on Town letterhead was addressed to senior staff and sent to six staff members and Council and criticized the handling of a development project at 31 Sand Road. The Respondent then posted the letter to his social media account. The Complaints allege that the letter misrepresented the Town’s planning and legal position on the matter, falsely impugned the integrity of named staff, undermined public confidence in the Town’s administration, disclosed privileged information and amounted to an unauthorized use of municipal resources.

I find that the Respondent’s conduct breached multiple provisions of the Town of East Gwillimbury Council Code of Conduct (the “Code”). In particular, the Respondent’s public statements falsely injured the professional reputation of staff, failed to accurately convey Council’s decisions, and was an improper attempt to pressure staff. These actions risked undermining public trust in the integrity of the Town’s governance and created reputational risk for the municipality. I found that the Respondent violated Rules 3.1, 3.2(a), 3.2(b), 9.2, 9.3, 14.1, and 14.4 of the Council Code of Conduct.

The Respondent published correspondence on official letterhead, as he intended the letter to be sent as part of his official duties as Acting Mayor.¹ I found that his actions did not violate s. 5.2 of the Code. I further found that he did not breach the confidentiality rules in s. 7 of the Code.

In this report, I set out my recommendations to Council to impose sanctions for the breaches of the Code.

¹ In his initial response to the Complaints, the Respondent said that he was permitted to and intended to send the letter in his role as Acting Mayor. In a subsequent submission, his lawyer stated that the sentence preceding this footnote contains an omission because the letter was sent from the “Office of Councillor Brian Johns”. As it was the Respondent who defended his conduct on the basis that he was the Acting Mayor, this statement remains accurate.

II. Background to the Complaint

A demolition permit for 31 Sand Road was issued by the Chief Building Official in June 2024.

A development application came before Council in relation to 31 Sand Road in Holland Landing. The proposed development had attracted significant public attention due to the presence of a potentially historic log cabin and artifacts like arrows on the property and the impending demolition of other structures. At a Council meeting on September 16, 2025, Council unanimously directed that the site be added to the Town's Heritage Register in an effort to protect any heritage resource on the property. Council passed the following resolution:

"BE IT RESOLVED THAT the deputations provided by A. Lenkov and G. Brown be received; and THAT the correspondence from A. Lenkov, dated September 11, 2025, regarding a historic structure located at 31 Sand Road, Holland Landing, be received; and THAT Council direct staff to investigate 31 Sand Road for any cultural heritage resources with a report back to Council; and THAT Council direct staff to add 31 Sand Road to the Heritage Registry; THAT Council direct staff to ask the applicant to voluntarily withdraw the demolition permit."

At the time of the September 16, 2025 Council resolution direction to staff, there was an open demolition permit for the 31 Sand Road property.

The Town does not have staff who are experts in the Ontario Heritage Act. On September 18, Members of Council were made aware that the Town had retained external legal counsel on September 17 to advise staff on this heritage matter.

On September 22, the property owner proceeded to demolish five of six existing buildings on the site. The demolitions were legal in accordance with the open demolition permit. Because of productive conversations between staff and the owner, the owner did not demolish the sixth structure, which was the subject of heritage interest. This sequence of events led to public confusion and concern.

On September 22, Staff sent Council members a "Q and A document" in relation to the 31 Sand Road matter. It noted that five structures would be demolished starting September 22 due to urgent health and safety risks and as allowed under the demolition permit issued in June 2024. It noted that the Town had received property standards complaints dating back to 2021. While the sixth structure was "not listed or registered as a heritage building", the potential heritage value was raised in the preceding two weeks, and the developer had committed not to demolish it. The Q and A further noted that "the developer is retaining a Heritage Consultant, the Town will hire a peer reviewer to

independently assess the consultant's findings, site visits will be coordinated once the heritage consultant is in place, and the Heritage Advisory Committee (HAC) is aware and will be making recommendations to Council on next steps". The Q and A also noted in respect of the potential indigenous artifacts that a Stage 3 Archeological Assessment will be undertaken and will engage with Indigenous communities".

On September 24, 2025, the Respondent authored a letter concerning the development application at 31 Sand Road. The Respondent directed the letter on Town letterhead to the Acting CAO, the Town Solicitor, and the Acting GM of Planning. He sent the letter to those recipients along with the Town Clerk, the Mayor, all Councillors, and the CAO at approximately 5:30 PM on September 24th. A full copy of the letter is attached as Schedule A to this report.

The letter stated:

The purpose of my letter is to document my follow-up into the direction given at the Tuesday September 16th, 2025 Council Meeting whereby Council passed a resolution by all Councillors voting unanimously to list 31 Sand Road on the Municipal Heritage Registrar [sic].

It has now been one week since council passed the resolution, and it is my understanding that currently the property has not yet been listed on East Gwillimbury's Municipal Heritage Registrar [sic].

The Ontario Heritage Act (OHA) stated that **properties not designated under the Act, can be included on the registrar** [sic], if they are in the opinion of Council, of cultural heritage value or interest.

Further, it states that properties on the registrar [sic] (but not designated), would have a requirement of an owner to give a 60 day notice of any demolition where permitting currently existed.

This legislation transparently exists to allow municipal councils time to contemplate a further Heritage Designation of the property.

My comments at the September 16th, 2025 meeting, surrounding my worst fears in that building would be demolished and land being disturbed without this being enacted, have come to fruition.

While the identified "Log Cabin" remains with five other buildings being demolished, I believe it was both the spirit and intent of the the [sic] Council resolution to have a statutory [sic] pause on all demolition activities until such

time appropriate studies could be conducted. This was critical to ensure that the property was without disturbance while undertaking the appropriate studies.

In my verbal communications with Ms. Gandhi, I have remained consistent [sic] in my approach that Council's direction should be enacted, by placing the not designated property of 31 Sand Road on the municipal Heritage Registrar [sic].

Within about half an hour, the Respondent posted the letter publicly on a community Facebook group.

The Town received a legal opinion on September 26 on the overall heritage matter (after the Respondent's letter) and provided it to Members of Council on that date. This opinion was provided two days after the Respondent's letter and Facebook posting.

The Respondent stated in his reply to his Complaint, "Leading up to my letter of September 24, 2025, I had multiple conversations with the Acting CAO regarding the listing to the Heritage Registry of the 31 Sand Road property. This coming out of the unanimous Council resolution of September 16, 2025 - whereby Council directed as such."

Following the initial conversations with external legal counsel, two days after Council directed staff, the Acting CAO informed Council of the challenges associated with the direction provided. The September 21 Q and A document (provided on September 22) made clear that a property could be "listed" or "registered". Council's motion was to "add" to the Heritage Registry. It was clear that Staff were identifying what could or could not be done to protect any potential heritage value.

The Respondent stated in his reply to the Complaint that "Following a phone call from the Acting CAO, and after receiving communication from the Town's external legal, I promptly removed the post." It is more accurate to state that the Respondent removed the post after the communication from external legal counsel. He waited 20 hours after his 20 minute conversation with the Acting CAO to remove the post. He removed it after he received communication from the Town's external legal counsel.

Substance of Complaints:

Three formal complaints were submitted between late September and early October 2025, all raising the same concerns about the Respondent's letter and social media

post.² The first complaint, filed on September 25, 2025, alleges that the Respondent's post falsely represented staff's work on the 31 Sand Road file, causing undue harm to staff's professional reputations and violating multiple Code of Conduct rules. Complainant 1 recounts that, by stating "It has now been one week..." the Councillor's letter gave the impression that staff were doing nothing, even though all parties, including Council, were aware that staff were working intensely on a path forward in the days following Council's direction. When the Respondent claimed that his "worst fears" were realized, he suggested to the public that an error by staff led to the demolition of a heritage site. More particularly, he stated that staff did not act precipitously and thus their delays had allowed the demolition to occur. Complainant 1 notes that this is incorrect and deeply concerning. This complaint cites several Code provisions that were believed to be contravened, including those on Staff-Council relations (particularly the rules against injuring staff reputation or attempting to influence staff), Harassment (rules against bullying or intimidating staff), and Communications (rules requiring accurate communication of Council decisions and proper use of social media and Town resources).

Complaint 2 was submitted on October 1, 2025. Complaint 2 similarly asserts that the Respondent's actions were improper and damaging to the Town. It notes that earlier on September 24, on the same day the letter was posted, the Respondent had received a detailed confidential briefing from the Acting CAO about the 31 Sand Road situation. Despite being apprised of staff's ongoing efforts, the Respondent proceeded to issue a public letter implying negligence on staff's part. Complaint 2 points out that the letter misstates certain legislative or procedural facts, and was "not intended to seek information, but rather to publicly disparage staff in a social media forum". Complaint 2 identifies specific Code provisions allegedly breached, including: Rule 3.2(a) (falsely injuring the professional or personal reputation of staff), Rule 3.2(b) (attempting to influence or interfere with the independent administration of Town business), Rule 5.2 (prohibition on using Town intellectual property, such as logos, for personal or political purposes), Rule 7 (improper release of privileged or confidential information, in this case by publicizing correspondence to the Town Solicitor), and Rule 9.2 (duty to treat staff with respect, without abuse, bullying or intimidation). Complainant 2 further references a prior incident in April 2025, when the Respondent used his social media to allegedly "lambast" a Town social media post recognizing World Asexuality Day, calling it "over the top" and suggesting staff should "focus on... core services" instead. Complainant 2 purports that the post offended staff and community members and is cited as evidence of a pattern of public criticism.

² I determined that I had an ongoing investigation and therefore I did not need to open a third Complaint, which was substantively identical to the other complaints.

Jurisdiction and Process:

As Integrity Commissioner for the Town, I determined that the Complaints were within my jurisdiction and that there were grounds to investigate. The Complaints were consolidated into a single investigation given that they arose from the same events and allegations. The Respondent was provided with Notice of Complaint 1 and 2 and was given an opportunity to respond. I reviewed relevant documents, including the Respondent's September 24 letter, screenshots of the Facebook post, background materials on the 31 Sand Road matter, including the Council meeting minutes and the Q&A information released by staff, correspondence, and the media article referenced by the Respondent.

October 15, 2025: Notice of Formal Code of Conduct Complaint 1 to Respondent

October 15, 2025: The Respondent acknowledged Complaint and advised that he would provide a response by October 27th

October 20, 2025: Notice of Receipt of Complaint 2 and Decision to Consolidate Complaints to Respondent

October 26, 2025: The Respondent submitted his reply to the Complaints.

December 29, 2025: The Integrity Commissioner provided Draft Code report to Respondent. The Respondent confirmed receipt and acknowledged the return date of January 9th, 2026

December 31, 2025: The Respondent wrote:

Reaching out this morning as yesterday I read the document and had to take a step back after reading it.

I have begun to document the errors and omissions, and given what is contained within the document, I have reached out for my own legal support.

[...]

December 31, 2025: The Integrity Commissioner wrote to the Respondent to provide his comments on errors or omissions of fact on or before January 9th. However, advised that additional time would be granted given the time of year. The Integrity Commissioner concluded by saying "I will not accept a new response to the Complaint as the investigation is complete."

January 30, 2026: The Respondent submitted comments through his legal counsel on errors/omissions.

February 5, 2026: The Integrity Commissioner wrote to the Respondent's legal counsel;

In these exceptional circumstances, I am providing Councillor Johns with a further opportunity to comment on specific findings related to the recommended sanction. In his response to the Draft Findings, Councillor Johns provided certain statements that were inconsistent with other information that I had learned during the investigation process. As a result, I decided that Councillor Johns should have an opportunity to comment on my findings in relation to the factors that I am considering in reaching a recommended sanction.

The Integrity Commissioner provided an excerpt of the Draft conclusions and requested that any additional comments be provided by February 12, 2026.

February 12, 2026: The Respondent's legal counsel provided additional comments.

February 19, 2026: The Integrity Commissioner provided the Final Code Complaint Investigation Report to the Respondent and his legal counsel and submitted the Report to the Town Clerk for inclusion on the next agenda of Council.

III. Respondent's Response to the Complaint

In his response to the Complaint, the Respondent acknowledges authoring and posting the September 24 letter but disputes that his actions constituted a Code of Conduct violation. The Respondent states that his intention in making the post was to increase transparency and accountability regarding the 31 Sand Road situation, in light of significant public concern. The Respondent explains that residents were alarmed by the demolition of buildings on the site despite Council's heritage-related resolution, and he felt a duty as Acting Mayor to update the public. The Respondent asserts that his letter was a good-faith effort to inform constituents of the status of the file and the actions he believed were (or were not) being taken.

The Respondent denies that he maliciously targeted any staff. He notes that he did name specific staff in the letter "for the sake of transparency", so that the public would

know which officials were overseeing the matter. The Respondent maintains that any criticism of staff was meant to be constructive, reflecting frustrations he had heard from the community about the pace of action. In his response, the Respondent emphasizes that he did not accuse anyone of bad faith but rather questioned procedural decisions. For example, the Respondent states that he questioned the procedural decision as to why the heritage listing of the property had not occurred before the demolitions. He believed this to be a fair question in the public interest.

Regarding the use of Town letterhead, the Respondent notes that he was, at that time, the Acting Head of Council due to the Mayor's unavailability. He contends that he believed he had authority to communicate with the public in that capacity. The Respondent views the letter as an official communication, akin to an open letter, rather than a purely "personal" social media post. The Respondent acknowledges, however, that he posted the letter on his personal Facebook account, and states that he removed the post later that evening after receiving advice from the Town's legal counsel. The Respondent stated in his response that he "meant no disrespect" to his colleagues or staff, and regrets if the tone of his letter caused offense. He also notes that he has not commented further on the matter publicly since removing the post, in deference to the Town Solicitor's guidance.

On the issue of accuracy, in his response the Respondent stands by the substance of his comments. He asserts that his statement about a one-week delay was factually true in a literal sense insofar as the letter was posted one week after the September 16 Council meeting. He argues that questioning whether more could have been done in that interval was within his rights as a Councillor. The Respondent also suggests that his reference to his "worst fears" being realized was an expression of concern that the situation he had cautioned about demolition of potentially historic structures, had occurred, and thus was not an accusation aimed at any individual. The Respondent does not concede that this phrasing impugned staff integrity, characterizing it instead as lamenting an outcome of the loss of buildings, that he had hoped to avoid.

The Respondent further responds to the allegation of disclosing confidential information. He notes that his letter did not divulge any specific legal advice or confidential Council discussions. The Respondent set out in his response that his letter primarily conveyed his own viewpoint and cited publicly known facts, including the heritage status and demolition activities. The Respondent argues that no privileged legal strategy was revealed in the content of his letter. The Respondent sets out that while he copied the Town Solicitor on his email to staff, he does not believe this made the letter itself a confidential solicitor-client communication, but rather, he intended to elicit action or clarification from the Town's legal and administrative officials. In his response, the

Respondent acknowledges he complied with the Town Solicitor's subsequent direction that he refrain from further comment.

In summary, the Respondent's position is that his actions were motivated by accountability to the public and a genuine concern for protecting heritage, rather than any intent to undermine staff. In his response, the Respondent urges that context matters and the community was upset, and he felt compelled to respond. The Respondent suggests that if his approach was viewed as inappropriate, a clarifying conversation or informal resolution could have occurred, and notes that he has already taken down the contentious post. He asks that these factors be considered in determining any findings in this investigation.

IV. Complainants' Comments to the Respondent's Response

In accordance with Rule 26.1 of the Code, I provided a copy of the Member's response to the complainants with a request that any written reply be provided by the complainant to the Integrity Commissioner within 10 business days. The replies set out the view that the Respondent's explanations do not mitigate the misconduct and, in some respects, underscore the concerns that led to the complaints. Given the similar replies from the two Complainants, I have used "Complainants" whenever more than one complainant made a comment.

Firstly, the Complainants dispute the Respondent's characterization of the letter as simply an update or seeking transparency. They point out that Council and staff were already actively working to be transparent with the public about 31 Sand Road. By September 21, three days before the Respondent's post, Town staff had prepared a detailed "Questions and Answers" document addressing common inquiries about the Sand Road development and heritage issues which were posted online to the Town website. This FAQ was intended to keep residents informed with accurate, up-to-date information. In their comments regarding the Respondent's response, the Complainants state that if the Respondent had genuinely sought transparency, he could have relied on or referred residents to these official communications, rather than issuing his own unsanctioned letter that conflicted with the messaging the Town had carefully put together.

Secondly, the Complainants emphasize that the Respondent had been fully briefed by the Acting CAO on the very day of his post. The Complainants note that during this briefing and in other internal updates, it was made clear to Council that staff were taking rapid and appropriate steps following the September 16 meeting. For example, staff had engaged the developer to secure an agreement to pause demolition of the main cabin, begun coordinating heritage and archaeological assessments, involved the Town's

Heritage Advisory Committee, and prepared public notices for the upcoming statutory meeting. The Complainants state that all of this information was communicated to Council. The Complainants set out in their comments that the Respondent knew or ought to have known that staff were diligently carrying out Council's direction. According to the Complainants, the Respondent's suggestion to the contrary in his public letter could not have been a mere misunderstanding, but rather was a willful misrepresentation or at least a reckless disregard for the truth. The Complainants stress that removing the Facebook post, after it had already been visible and shared, did little to undo the damage, as the content had already sown confusion and doubt among residents.

Furthermore, in their comments, the Complainants reject the notion that naming staff was necessary or appropriate. The Complainants report that the named individuals, all of whom are dedicated public servants, felt singled out and humiliated by the Respondent's message. By publicly questioning their professional conduct and by implication their ethics, the Complainants posit that the Respondent eroded staff morale and created an atmosphere of defensiveness and fear. The Complainants note that Council-Staff relations in East Gwillimbury have historically been positive, and it is exceedingly rare for a sitting member of Council to publicly cast aspersions on staff performance. This incident, they say, has strained that relationship and could chill frank communication between staff and Council if left unaddressed.

Complaint 2 references an April 2025 incident that alleges a pattern of conduct. In that case, Complainant 2 states that the Respondent's public criticism of a diversity and inclusion-related post (the World Asexuality Day acknowledgment) was seen as hurtful and contrary to the Town's values. Although that incident did not result in a formal complaint at the time, Complainant 2 states it did prompt internal discussions reminding Council of the need to support Town initiatives and treat staff respectfully. Complainant 2's comments set out that the fact that a few months later, the Respondent again took to social media to chastise staff indicates to the Complainant that previous admonishments or guidance were not heeded. Complainant 2 fears that without a formal finding and sanction now, the Respondent's conduct could escalate or be emulated by others, undermining the ethical standards of the Town.

Finally, the Complainants address the Respondent's assertion that he had the right to speak out as Acting Mayor. The March 2023 Memorandum sets out the authority of the Acting Mayor.³ The Complainants collectively acknowledge that when the Mayor is

³ The purpose of this memorandum is to provide the Committee of the Whole Council with an overview of the 2022-2026 Acting Mayor Schedule. A By-law to adopt the 2022-2026 Acting Mayor Rotational Schedule (on a rotating quarterly basis) has been prepared in accordance with the Town's Procedural By-law and section 242 of the Municipal Act which provides that: A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law

absent, another Member may assume certain ceremonial duties, but they insist that it does not confer carte blanche to issue unilateral public statements on complex matters, especially not statements that contradict or criticize the ongoing work of the organization. The Complainants state that the Town's communications protocols and the Code of Conduct vest the role of official spokesperson in the Mayor for good reason, to ensure consistent, coordinated messaging. In this case, the Mayor was briefly away, and the Acting Mayor designation was administrative. The Complainants state that at no point did Council authorize the Respondent to speak publicly on this issue on its behalf. The Complainants submit that the Respondent's letter was self-directed and outside his mandate, constituting an improper assumption of authority.

The Complainants request that any recommendations to Council be strong enough to restore public faith and deter such conduct. In their words, "a slap on the wrist" would be insufficient given the public nature of the misconduct and its impact. The Complainants suggest that an apology from the Respondent to the affected staff would be appropriate, and that Council consider a suspension of pay to underline the seriousness of respecting the Code.

The Respondent's Comments on the Draft Report

After receiving the written Complaint, response, and reply and considering that the alleged misconduct related to a matter in writing, I determined that it was not necessary to interview the Respondent. In requesting his written response, I had provided him with an opportunity to request to meet with me; however, he had not done so. Based on my own assessment that it was not necessary, and lacking a request from him, I determined that I would proceed to render a draft report.

I provided the draft report to the Respondent on December 29, 2025. After granting requested extensions to his deadline, I received lengthy comments from his lawyer on January 30, 2026. I have carefully considered each of his comments and addressed them where necessary in this report.

Typically, I would not seek further comments from the Respondent. However, the Respondent had submitted that the sanction recommendation should consider two factors that were disputed by evidence received in the investigation or analyzed differently by me. As a result, I provided a further opportunity to respond to the matter

when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be. While acting in the capacity of an Acting Mayor, the scheduled member of Council may be called to preside over the Council and Committee meetings, represent the municipality at official functions, and carry out the duties of the head of the Council as required.

with a deadline of February 12, 2026. I received further comments and addressed them in the final report.

The February 5 draft excerpt contained language stating that the Complaint alleged that the Respondent “sowed confusion and potentially compromised the Town’s legal interests.” Upon further review and in light of the Respondent’s February 12 submissions, I determined that the Respondent did **not** breach the confidentiality provisions of the Code and did **not** waive solicitor-client privilege. There was no disclosure of confidential or privileged information.

Accordingly, I do not find that the Respondent compromised the Town’s legal interests in a privilege sense. I have determined that the Respondent’s comments contributed to the public confusion arising from inaccurate statements regarding the Ontario Heritage Act and the Town’s authority at the time.

The report has been revised to reflect this clarification.

Preliminary Findings

Complainant 2 made an allegation that the Respondent’s conduct formed part of a pattern of behaviour contrary to the Code. I have reviewed this matter and have determined that I have insufficient evidence to pursue the Complaint with respect to the April 2025 incident. I have not made any findings with respect to the alleged misconduct because I received insufficient evidence to do so. I have considered Complainant 2’s statement that, prompted by the Respondent’s public criticism of a Town initiative, Members were reminded in April 2025 of the need to support Town initiatives and treat staff respectfully.

V. Issues and Relevant Code Provisions

Based on the complaints, the Respondent’s reply, the key issues in this inquiry are:

1. Respect for Staff

Disparaging Comments: Did the Respondent’s letter posted publicly on Facebook violate the Code provisions requiring respect towards staff and prohibiting false or malicious remarks that could injure the reputation of staff? This issue engages Rule 3.2(a) of the Code (Members must not falsely or maliciously injure the professional or ethical reputation of staff) and Rule 9.2 (Members have a duty to treat staff with respect and without abuse, bullying or intimidation).

2. Interference in Administration

Improper Influence: Did the Respondent's actions contravene the Code by attempting to direct or influence staff in the execution of their duties, or otherwise interfere with the independent administration of Town business? This issue engages Rule 3.1 (Individual Members shall not direct or oversee day-to-day functions of staff), Rule 3.2(b) (Members must not make requests or statements or take actions that may be construed as an attempt to influence staff or intimidate/threaten staff in performing their duties), and Rule 9.3 (prohibits Members from using their authority or office to intimidate or influence staff improperly).

3. Municipal Resources and Public Communication:

Did posting the letter on official letterhead (bearing the Town logo) on a personal social media page, and commenting publicly, breach the Code's rules on use of corporate resources and communication protocols? The relevant provisions include Rule 5.2 (Members shall not use Town property, including intellectual property like logos/branding, for personal or political purposes); Rule 14.1 (the Mayor is the official spokesperson for Council decisions and positions (absent Council authorization of another)); Rule 14.4 (extends the Code's standards to Members' use of social media).

4. Confidential Information and Legal Privilege:

Did the Respondent improperly disclose or publish information that is confidential or privileged, specifically, by publicizing correspondence addressed to the Town's legal counsel? Rule 7 of the Code (Confidential Information) prohibits Members from releasing information learned in closed session or that is otherwise confidential/privileged, except as required by law.

Each of these issues is analyzed below, with reference to the evidence and applicable standards.

VI. Findings and Analysis

After a thorough review of the facts and evidence, I find on a balance of probabilities that the Respondent's conduct violated several provisions of the Council Code of Conduct. The analysis for each of the above issues is detailed here.

Relevant Legislation

Council has no authority to direct the Chief Building Official (CBO) with respect to a demolition permit that has been issued for a property. The CBO is a statutory officer. Council can advise the CBO as to its concerns, but it cannot direct the CBO to revoke the demolition permit that was validly issued to the owner.

The Ontario Heritage Act allows a municipal council to list a property on the Heritage Register if it has not been designated.⁴ There are notice provisions to the land owner. If the land owner wishes to demolish a building on a listed property, it must provide 60 days' notice⁵ – unless a demolition permit was granted before the property was listed.⁶ In the later case, there is no obligation to provide notice to the Town, and the landowner may demolish structures in accordance with its permit.

Factual Findings

Staff did not have grounds to revoke the demolition permit that had been validly issued to the owner. Staff engaged with the owner who did not agree to voluntarily withdraw their demolition permit; however, the owner did agree not to demolish the structure with possible heritage value pending assessment (which are ongoing). The listing of the property on the heritage register would have no impact on demolition as s. 27(10) exempts the property owner from the requirement to give notice to the municipality.

31 Sand Road was listed on the municipal register in November 2025.

The Respondent's Letter

The Respondent's letter questioned why stronger action had not been taken sooner to preserve the heritage features at 31 Sand Road and criticized staff for purported inaction. The letter was addressed to three senior staff members and suggested that their handling of the file was not in line with Council's direction or the public interest. It stated, in part, that "It has now been one week..." since Council's direction, insinuating that staff had failed to act on Council's decision in a timely manner.

The Respondent wrote that his "worst fears... have now come to fruition," implicitly linking staff's alleged inaction to the demolition of buildings on the site. The alleged heritage structure is currently intact and has not been demolished. It is currently the subject matter of the heritage assessment being undertaken voluntarily by the owner.

⁴ Ontario Heritage Act, s. 27

⁵ Ontario Heritage Act, s. 27(9)

⁶ Ontario Heritage Act, s. 27(10)

The other five of the six structures were demolished by the owner under the legally valid demolition permit issued to the owner. While staff could not speculate as to the Respondent's impression of these other five structures, with respect to "his worst fears", staff confirmed that the buildings were in a "dilapidated condition and posed safety risks" and "were not associated with the alleged heritage structure which is the subject matter herein".

Nonetheless, the Respondent elected to prepare and distribute publicly an inaccurate letter. It purported to rely on the Ontario Heritage Act but misstated it in a manner that was wrong and misleading to the public. The Respondent had been advised that a legal opinion was forthcoming.

Freedom of Expression

Members of Council have a Charter right to free expression, but it is limited by the rules of the Code of Conduct which require them to refrain from certain kinds of speech in recognition of the public status of elected officials. The Code is not in place to regulate frivolous comments or political banter. The impugned letter is expressive activity which engages the Respondent's Charter rights under s. 2(b).

In considering whether the Code is an appropriate limit on this Charter right, one must consider the purpose of the Code. The Code emphasizes the purpose of formalized standards of ethical conduct "enhance public confidence that the Town's elected representatives operate from a base of integrity, justice, and courtesy". The s. 1 Statement of Principles of the Code states that, among other things, that Members must speak truthfully and not act in a way that will deceive the public and in a manner that enhances respect for government. The purpose of the rules related to Staff and Council relations is to ensure that staff members – who do not have the same public platform as Members – are not disparaged by Members and are not concerned about public attacks on their work. The Discrimination and Harassment Rules promote a working environment based on respect for the dignity and rights of everyone and without bullying or intimidation. These rules assist in ensuring that Staff may complete their roles without fear of threats or public backlash. The rules which limit who may speak on behalf of the Town exist to ensure that the messaging of the Town is consistent and properly captures the decisions of Council. This principle also undergirds the role of a Member as one part of the decision maker Council

The Court has repeatedly upheld limits on Member speech which violates rules promoting a harmonious, respectful working relationship between Members and staff.⁷ The Code

⁷ See, for example, *Robinson v. The Corporation of the City of Pickering*, 2026 ONSC 451, <<https://canlii.ca/t/khs2d>>

does not eliminate a Member's right to raise concerns about whether Council's direction have been followed; however, the appropriate way to do so involves private consultation with the senior staff person of the municipality – not misleading public statements.

These rules are a proportionate infringement on the Member's right to speak given that there still exist mechanisms to allow for a Member to address apparent concerns about staff performance in private. This also provides staff with the opportunity to correct erred understanding of important, complex issues. Limiting public criticism of staff by a Member and limiting official public statements to the Town spokesperson appropriately balance the Town need to ensure that members of the public receive accurate messaging on Town issues and avoid harm to staff persons who have a limited platform to defend themselves.

Issue 1:

Respect for Staff – Disparaging Public Comments

The evidence supported that the Respondent's public letter disparaged staff unfairly laying blame on them, in violation of the Code's requirements for respectful conduct.

Rule 3.2(a) of the East Gwillimbury Code provides:

3.2 Members shall respect the role of staff in the administration of the business affairs of the Town. Members shall respect that:

- a) Staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that Members must not falsely or maliciously injure the reputation of Staff, whether professionally or personally.

Rule 9.2 obliges Members to treat staff with dignity and prohibits abuse, bullying, or intimidation. It states:

All Members have a duty to treat members of the public, each other, and Staff with respect and without abuse, bullying or intimidation and to ensure that the workplace is free from discrimination, harassment and violence. In carrying out their affairs, all Members shall comply with the Town's Respect in the Workplace Policy as well the Ontario Human Rights Code and the Occupational Health and Safety Act and any other applicable Town policies.

These rules exist to maintain a professional working relationship between Council and the members of the public service, and to protect staff from unwarranted public attack by those in positions of authority over them.

The Respondent's Facebook post, which was an open letter on Town letterhead, named individual staff members, including the Acting CAO, Town Solicitor, and Interim Planning GM and suggested that they had failed to carry out Council's direction regarding 31 Sand Road. In stating that it had been one week since Council gave a direction and implying that nothing has happened, he led any reasonable reader to conclude that Town staff sat idle or dropped the ball. As established above, this was a false impression: staff were in fact working diligently on the file during that period, a fact which was known to the Respondent from internal briefings and the Q and A document provided to him, two days before his public letter. By publicly alleging inaction and suggesting that something could have been done to stop the demolition of structures on the site (which was legally impossible), the Respondent falsely injured the professional reputation of those staff members. Contrary to the Respondent's submissions, I find that this was not an update to the public to ensure that they understood the status. Rather, it was inaccurate messaging which stoked public concern that staff was inactive on an issue important to the public. Indeed, by the time of his posting, the Respondent knew that staff was working with the owner and providing Council with regular updates. The Respondent also knew that they were awaiting a legal opinion from external counsel on the Town's legal authority.

In addition, the Respondent's remark that his "worst fears... have now come to fruition" in context strongly insinuates that staff's failure to act caused the very outcome he feared (i.e. the removal of heritage-related structures). The inference that the reader was left to draw was that if only staff had heeded Council's direction or the Councillor's warnings, the demolition might have been averted. This cast staff as either inept or willfully non-compliant. This comment impugns staff's competence and diligence. As one Complainant observed, the post "did not align with the actual work and experiences taking place" on the file. It presented misinformation to the public that was damaging to the credibility of the staff involved, particularly those who the Respondent named in the post.

Councillors may offer criticism of staff's work through appropriate channels, including complaints to the CAO. In this case, however, I find that the Respondent's critical assertions were not supported by the facts and were not made through appropriate channels. The Respondent was aware that steps were being taken by staff during the one-week period between Council's direction and the Respondent's post. He knew, for example, that the structure which had potential heritage classification was being protected pending further study and that a public meeting was scheduled for October

21. Yet his letter failed to mention any of this, instead advancing a narrative of inaction combined with misleading statements suggesting a course of action that could have changed the result (when in fact, no such action existed). Omitting known facts can render a statement misleading. Here, the omission of relevant facts made staff look as if they had done something wrong. I conclude that the Respondent made a misleading statement which failed to respect staff. It falsely injured the reputation of staff. The immediacy and reach of social media make the impact even more harmful, as the disparaging remarks can quickly spread and linger in the community's perception.

Municipal Integrity Commissioners in Ontario have consistently held that publicly admonishing or denigrating staff is improper.⁸ In a 2023 case in Toronto, a City Councillor was found to have violated the Code of Conduct by publicly accusing a senior staff member of lying; the Integrity Commissioner ruled that this "falsely injured [the staff's] professional and ethical reputation," contrary to the Code. The principle is clear. Elected officials must not impugn the integrity of staff in public forums, especially not based on incorrect or unfair assertions. Doing so erodes the public's trust in the civil service and can damage the reputations of the individuals involved.

The Respondent's letter had the effect of naming and shaming staff on social media. This is a textbook example of what the above Code provisions seek to prevent. The tone and manner of the Respondent's communication were disrespectful. While not containing insults, the letter was scathing in its implication that staff had failed in their duties. The Respondent sent the letter to staff and council first. Then, without allowing time for a response, he chose a very public medium (Facebook) to broadcast these complaints. This indicates a lack of respect and an intent to pressure or embarrass rather than correct what the Respondent viewed as a problem of inaction.

Accordingly, I find that the Respondent breached Rule 3.2(a) of the Code by falsely injuring the professional reputation of staff through his public statements. I further find that his actions violated Rule 9.2 (respectful conduct), as posting his letter publicly was disrespectful and intimidating and not an appropriate way to address any concerns he may have had about staff performance. The Code requires Members to resolve such matters through appropriate channels, such as discussing with the CAO or in camera if necessary, rather than airing grievances in a way that can be seen as bullying or publicly shaming staff. The Respondent's conduct in this regard falls well below the standard expected and constitutes a failure to uphold the principle of respect for the Town's employees.

⁸ City of Toronto Integrity Commissioner Report on Councillor Josh Matlow's Tweets Criticizing City Staff, March 22, 2023. The Divisional Court has upheld an Integrity Commissioner's opinion in respect of criticism of staff: *Villeneuve v. North Stormont (Township)*, 2022 ONSC 6551

Issue 2:

Interference with Staff Independence – Improper Influence or Direction

This issue regards whether the Respondent's letter amounted to an improper attempt to influence staff or interfere in the administration of Town business, contrary to Rules 3.1, 3.2(b), and 9.3 of the Code.

Rule 3.1 reminds Members that the Town's governance is by Council as a whole. Individual Councillors (including the Mayor or Acting Mayor) do not have the authority to direct staff administrative tasks.⁹ Rule 3.2(b) builds on this principle by prohibiting Members from making statements or taking actions "which may be construed as an attempt to influence the independent administration of Town business," and further states that Members shall not attempt to intimidate or influence any staff in the performance of their duties.¹⁰ These provisions are foundational to maintaining the political-neutrality of the public service and ensuring that staff can do their jobs based on law and policy, without undue political pressure from individual office-holders. Rule 9.3 states: "Members shall not use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff with the intent of interfering in the Staff's duties, including the duty to disclose improper activity."

The Respondent's actions blurred the appropriate Council-staff boundary. By issuing what in sum was a public criticism and admonition, the Respondent went beyond his permitted role as a single member of Council. While the letter did not refer to his status as Acting Mayor, it provides no defense for the Respondent. Neither the Acting Mayor or a Mayor is permitted to publicly direct staff activity through his pressure, and the likely public pressure that would follow. The letter can be interpreted as instructional or coercive, in that it not only questioned past actions but also pressed for different handling going forward. Posting it publicly was likely to galvanize public sentiment, potentially inciting residents to also question or to criticize staff. This kind of end-run around normal reporting lines can impair staff's ability to carry out duties impartially. In fact, one Complainant described the post as an attempt "to interfere in the administrative process, perhaps in an attempt to speed up what was an intricate and complex process". Complainant 1 perceived the tone of the letter as intimidating, creating confusion and exerting pressure on staff to respond to the Councillor's

⁹ Rule 3.1: Council approves budget, policy and governance of the Town through Council's bylaws and resolutions. Individual Members do not direct or oversee the functions of Staff in the administration of the business affairs of the Town.

¹⁰ Rule 3.2: Members shall respect the role of Staff in the administration of the business affairs of the Town. Members shall respect that: ... b) Under the direction of the Senior Management Team of the Town, Staff serves Council as a whole, and the combined interests of all Members as evidenced through Council decisions. Members must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of Town business. Members shall not attempt to intimidate, threaten, or influence any Staff from carrying out that person's duties, including any duty to disclose improper activity.

concerns immediately and publicly. I find that this is contrary to Rule 3.1 and 3.2(b) of the Code.

It is significant that the Respondent chose a public forum to air what ostensibly was a concern about an operational matter. If his true goal was to obtain information or prompt action, the appropriate route for the Respondent should have been to seek clarification from the CAO or raise the matter during a Council meeting. By instead publishing his “follow-up” on Facebook, the Respondent attempted to circumvent the established process. This could be seen as an attempt to leverage public opinion to “corner” staff into doing something differently or faster than they might otherwise, which constitutes undue influence. It was received by staff as a direction from a Member: “I’ve made this an issue in public, now you (staff) will look bad if you don’t do what I’m asking.” That kind of scenario is precisely what Rule 3.2(b) protects against as it highlights that staff serves Council as a whole and members must not make requests or take actions which may be construed as an attempt to influence the independent administration of Town business.

Moreover, from the perspective of the staff who received the letter (including the Town’s Solicitor, Acting CAO, and Interim GM), the Respondent’s conduct could reasonably be construed as threatening and intimidating, even if no explicit threat was made. The implication when posting their names alongside language of failure, could intimidate less senior staff or make them fear for their professional reputations. Rules 3.2(b) and 9.3 of the Code provides that Members shall not use their authority for the purpose of intimidating or coercing staff. By virtue of his office, a Councillor holds a position of influence. Using the very visible means of social media to call out staff could easily be experienced by those staff as a form of public shaming designed to force their hand. Whether the Respondent intended it or not, the effect was that staff felt improperly pressured and undermined in doing their jobs.

The Respondent injected himself publicly into an active staff-managed process, which was the heritage evaluation and development review. Although it cannot be determined with certainty, his action may have had the opposite effect of what he intended; the interference of the Acting Mayor likely caused sufficient confusion and upset to slow the process rather than advancing it.

I find that the Respondent did attempt to influence administrative action through improper means, contravening Rule 3.2(b). The letter’s timing and content indicate he was not merely seeking information but rather signaling dissatisfaction and commanding attention and change.

In summary, the Respondent’s actions interfered with the proper separation of political oversight and administrative execution. By publicly inserting himself in an operational

timeline and pressuring staff, the Respondent breached Rule 3.1, 3.2(b), and 9.3 of the Code. The Respondent could have achieved accountability in proper ways. The Respondent chose the wrong approach and ran afoul of the Code.

Issue 3:

Use of Municipal Resources and Communications Protocols

This issue looks at whether the Respondent misused Town resources, in particular, Town letterhead/logo and his title, for activities other than Town business or for financial gain, and whether he failed to adhere to the Towns' rules on official communications.

The letter posted by the Respondent was prepared on Town of East Gwillimbury electronic letterhead. It bore the Town's logo and the title "Councillor" under the Respondent's name. According to the Complaints, this gave viewers the impression that the letter was an official Town communication or a position endorsed by the Town, when in fact it was not authorized through any formal channel.

Rule 5.2 of the Code explicitly prohibits Members from using the Town's intellectual property, like logos or insignia, for activities other than Town business.¹¹ The principle is straightforward. Town emblems and letterhead should only be used when a communication is sent in an official capacity on behalf of the municipality, not for an individual Councillor's commentary or political messaging. Misuse of these symbols can confuse the public and imply municipal endorsement where none exists.

These rules are intended to prohibit councillors from using Town property for their own purposes to legitimize or involve themselves in matters which are not properly Town business.

As set out in his response, the Respondent believed that he had authority to send the letter to staff and to post it publicly in his role as Acting Mayor. There is no evidence that Council or the Mayor's Office sanctioned the Respondent's letter as an official Town statement. In fact, it contained errors which led to public confusion and difficulties for staff as described above.

I accept that the Respondent used Town resources for what he believed was the purpose of communicating in his role and not for a personal purpose or non-Town business. I conclude that Rule 5.2 was not breached.

¹¹ Rule 5.2 states Members must not use or permit the use of Town lands, facilities, equipment, supplies, services, Staff or other resources for activities other than the Town's business. No Member shall seek financial gain for themselves or a Family Member from the use or sale of the Town's property.

Rule 14 of the Code addresses how Members should communicate with the public and media. Rule 14.1 is clear that the Mayor is the official spokesperson for Council (and for the Town's positions), unless Council decides otherwise. Individual Councillors are generally at liberty to express their personal opinions, but they must not present those opinions as the official stance of the municipality or otherwise violate the Code rules. Rule 14.4 extends these expectations to social media use, meaning that posting on Facebook is subject to the same standards as speaking at a public meeting or to a newspaper. I find that the Respondent did breach Rule 14.1 and 14.4 by publicly posting his letter on social media. Because his letter on letterhead was posted to social media, it gave the appearance of a person speaking on behalf of the Town. Even as Acting Mayor, the Respondent was not the designated spokesperson for the Town. His role as Acting Mayor was temporary and procedural. It did not override the Code's stipulation that the Mayor, or designate, speaks for Council. I find the timing of his letter problematic as he knew his role as Acting Mayor was ending the following day. The Respondent did not list his title "Acting Mayor" on the letter. It seems that he is only now in this complaint process trying to justify sending the letter based on his role that would come to an end the following day.

In his response to the draft report, the Respondent repeatedly noted that he had not used his "Acting Mayor" title on the letter and attempted to distance himself from his earlier position that such a title justified him sending the letter to staff and posting it publicly. As noted consistently in this report, the letter did not use the "Acting Mayor" designation. Rather, the Respondent raised that as the basis for why he was entitled to send his letter in his response to the Complaints. His attempt to distance from that position now may indicate that he better understands that this was not an appropriate action as Acting Mayor. The February 5 draft excerpt referenced that the Respondent's position as Acting Mayor "may have lent his words extra authority in the public eye." The Respondent's February 12 submissions assert that there is no evidence that the public was aware of his Acting Mayor status at the time of the Facebook post.

I accept that:

- The Respondent did not identify himself as Acting Mayor in the public letter; and
- There is no specific evidence before me establishing that members of the public knew he was Acting Mayor at that time. It was publicly known that he had been acting as the Acting Mayor and that the Mayor would be returning the following day; however, as it was not necessary in this investigation, I did not confirm that a member of the public did understand him to be speaking in his role as Acting Mayor.

Accordingly, I do not rely on any finding that the public perception of authority was heightened due to the Acting Mayor designation. My findings are grounded instead in the fact that the letter was issued on Town letterhead and bore the title “Councillor,” which reasonably conveyed an official municipal communication.

The reference to Acting Mayor has therefore not been considered as an aggravating factor with respect to findings and sanctions.

Issue 4:

Confidential Information and Waiver of Privilege

The final issue relates to the allegation that the Respondent, by publishing his letter that was addressed in part to the Town’s Solicitor, disclosed information that ought to have remained confidential, thereby potentially harming the Town’s legal interests. There was nothing in the communication that was confidential. All of the facts were known publicly. The analysis of the Ontario Heritage Act, while inaccurate, was not confidential. In my view, there can be no waiver of solicitor-client privilege held by the Town, through the publication of the letter. I find that this rule was not breached.

VII. Conclusion and Recommendations

The Respondent’s’ conduct in this matter represents a significant lapse in judgment and a failure to uphold the standards expected of a Town Councillor under the Council Code of Conduct. By publicly criticizing and casting doubt on staff’s integrity, the Respondent not only harmed those individuals but also risked eroding public confidence in the Town’s governance, by stepping outside proper channels and using official trappings for an unsanctioned communication. Such actions cannot be condoned and merit a formal response by Council to affirm the importance of the Code.

In formulating my recommendations, I have considered the following:

- The public nature of the breach on social media, reaching potentially thousands of residents, magnified its impact. The Respondent’s position as Acting Mayor at the time may have lent his words extra authority in the public eye, thereby deepening the harm.
- The Respondent has been cooperative with this investigation. He complied with legal advice to halt further public comment, demonstrating some recognition that his initial action had caused harm.

- The Respondent has not had prior findings against him. He may have genuinely intended to serve his constituents' interests, albeit in an inappropriate manner. These considerations suggest that education and remediation could be effective in preventing future incidents. The Respondent's removal of the post relatively quickly did limit ongoing harm, although it did not undo what was done.

In Response to the Draft Report, the Respondent submitted that he:

- a) has no previous record of non-compliance with the Code. This is the first instance of non-compliance.
- b) has repeatedly and consistently (on at least a half a dozen occasions) reached out to the Office of the Integrity Commissioner for proactive compliance-related advice, demonstrating he takes his obligations under the Code seriously.
- c) did not intentionally, knowingly or willfully disparage staff. He also did not intentionally, knowingly or willfully spread misinformation or disinformation when he published the open letter on September 24, 2026, which pre-dated the external legal opinion, and which the Town admitted was a "complex" development matter. It was an inadvertent mistake, not an act of bad faith.
- d) deleted the post, containing the open letter, less than 24 hours after the Acting CAO and external legal counsel requested its removal. It was removed immediately.
- e) took further steps to correct the record in the public domain, as evidenced by Lisa Queen's article in the *East Gwillimbury Express* on October 2, 2025.
- f) apologized to the Acting Chief Administrative Officer on a call during the evening of September 24, 2025, after she indicated his open letter made her (and staff) feel disparaged and disrespected. He indicated that was not his intention and apologized accordingly.
- g) is prepared to voluntarily offer an apology to those staff involved, including a second apology to [the Acting CAO].

I have considered all of these submissions.

The Respondent stated that he took steps to correct the record in an article dated October 2, 2025. It is not clear what the Respondent refers to when he says that he

corrected the record. The comments attributable to the Respondent in the article state his disagreement that the post was a political stunt saying “it’s the duty of a public organization such as the town to communicate with residents and provide full transparency”. He confirmed that “his intent with the letter was to reconfirm council’s direction on the issue”. Subsequently, the Respondent confirmed that he had been asked by the Town’s legal representative to refrain from commenting on this matter, had been asked to remove the social media post, and could not speak to the 31 Sand Road issues at this time. As set out above, the fact that the Respondent took down the post and refrained from further comment is relevant to the appropriate sanction. I do not interpret the comments in the article as the Respondent correcting the record.

There is a factual dispute about whether the Respondent apologized in a September 24 call with the Acting CAO. In his response to the Draft Report, the Respondent stated that he apologized after she noted that the open letter made staff feel disparaged and disrespected. This was not consistent with other evidence which I received in the investigation. However, I have not attempted to resolve that issue, because even if an apology was made, the Respondent quickly took a different position in an email copied to the Acting CAO, which showed no recognition for the harm caused by his actions.

After receipt of the September 24 email, another Member wrote to the Respondent and to the staff members (including the Acting CAO) to whom the Respondent had sent his original email. Among other things, the Member stated their view that the Respondent had impugned the professional reputations of staff members and that he should apologize. His response – sent to the same distribution list including six staff members and the other Member – stated:

The resolution that was unanimously approved by Council clearly provided direction to staff to list the property on the heritage registry. The resolution that was passed, was not to have the property designated as heritage. Upon review of the September 19th and September 21st correspondence, there was only reference to designation of the property, and not the listing of the property to the heritage registry.

The correspondence I provided to staff simply re-confirmed Council’s direction. Additionally, there are provincial regulations surrounding listing a property vs. designating a property. The follow-up correspondence I provided to staff submitted an advisement that could potentially further assist with the direction of Council.

Moreover, those provincial regulations that support the authority of Council to list a property vs designating, contain provisions under the law that would protect a

property from demolition for a limited period of time, while further studies are performed.

I respectfully provided this confirmation of Council direction and advisement to be submitted for staff consideration in their efforts.

In no way did I disrespect staff and question the activity of staff to date.

As a public organization, I believe it is our responsibility to adhere to the democratic process and communicate with residents providing full transparency. I have remained consistent with [the Acting CAO] regarding the clarification of listing a property vs. designation. To date, Council has only received correspondence regarding a high-level legal opinion surrounding the designation of the property, and not the listing of the property as the resolution spoke to.

My follow-up correspondence to staff was clear, objective and in no way disrespectful.

If there is new information surrounding the legal opinion of listing a property on the heritage registry (as was directed by Council) vs actual heritage designation, an update to Council would be wholly welcomed and appreciated.

The Respondent's February 12 submission requested that the full quotation from the second version of the East Gwillimbury Express article be included. The article states:

"Then, on Sept. 26, Johns sent The Express an email saying he had been 'asked by the Town's legal representative to refrain from commenting on this matter and have been asked to remove the social media post with the letter.'

In a subsequent email, Johns said 'My communication (Facebook post) regarding 31 Sand Road has been removed and I cannot speak to 31 Sand Road issues at this time.'

He referred questions to the town."

This confirms that the Respondent complied with legal direction to remove the post and refrain from further comment. I accept this as a mitigating factor.

However, I do not interpret these statements as constituting a substantive public correction of the inaccuracies contained in the original letter.

The Respondent sent this email less than 18 hours after his call with the Acting CAO. In my view, a recipient of the email would reasonably perceive that the Respondent did not believe an apology was warranted – in fact, he denied that it was disrespectful and doubled down on his statement in this email to staff. As a result, I do not consider that the September 24 apology (assuming it was given) would mitigate the sanction that I recommend to Council.

There is conflicting evidence regarding whether the Respondent apologized to the Acting CAO during a September 24, 2025 telephone call. The Respondent set out in his February 12th submission that he apologized during the private telephone call stating “he apologized to the Acting CAO on a call during the evening of September 24, 2025, after the Acting CAO indicated his open letter made her (and staff) feel disparaged and disrespected. He apologized if it came across as disparaging and disrespectful, as that was not his intent”. Other evidence received during the investigation was not consistent with that characterization.

Even assuming that an apology was offered, the subsequent email of the Respondent sent to the staff members (including the Acting CAO) within approximately 18 hours reaffirmed that the Respondent did not view his conduct as disrespectful or disparaging. He stated:

“In no way did I disrespect staff and question the activity of staff to date.”

Whether or not an apology occurred on the September 24 call, the subsequent communication substantially reduced or eliminated any mitigating weight that might otherwise attach to the apology.

I reiterate that I have **not** found a breach of the confidentiality provisions of the Code and do not find that solicitor-client privilege was waived or compromised.

In determining the appropriate sanction, I have considered the following mitigating factors:

- The Respondent has no prior findings of non-compliance.
- He has previously sought advice from the Office of the Integrity Commissioner.
- He removed the Facebook post and refrained from further public comment after being directed to do so.
- There is evidence that he may have intended to act in what he believed to be the public interest.

I have also considered the following aggravating factors:

- The communication was public and widely disseminated.
- It named senior staff.

- It contained inaccuracies regarding the Ontario Heritage Act and the Town's legal authority.
- A subsequent email reaffirmed the appropriateness of the original communication.

After balancing these considerations, I conclude that the objectives of accountability, deterrence, and restoration of public confidence are appropriately addressed through a formal reprimand, remedial measures, and a suspension of remuneration. I recommend a suspension of remuneration in light of the seriousness of undermining the professional subject matter expertise of staff and the unfair public nature of the criticism of their work.

RECOMMENDATIONS TO COUNCIL

Pursuant to section 223.4.1 of the Municipal Act, 2001, I recommend that Council:

1. Issue a formal reprimand to Councillor Brian Johns;
2. Suspend the remuneration paid to Councillor Brian Johns for a period of 15 days,
3. Require that Councillor Johns post a public apology to the affected staff on the same social media account used to distribute the September 24, 2025 letter, and that the apology remain visible for a minimum of thirty (30) days;
4. Direct Councillor Johns to complete education or training respecting respectful Council-Staff relations and appropriate public communications within six (6) weeks of the decision of Council.
 - These measures are proportionate to the misconduct and reinforce the importance of maintaining respectful and accurate public discourse in municipal governance.

Respectfully submitted,

Suzanne Craig

Schedule A – Respondent's September 24th letter

Schedule B - September 21, 2025 Q and A document - Sand Road Development- Sent to all Members of Council



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My follow-up regarding the unanimously passed Council resolution of Tuesday September 16th, 2025 to list 31 Sand Road on the Municipal Heritage Registrar.



OFFICE OF COUNCILLOR BRIAN JOHNS

Wednesday September 24th, 2025

Ms. J. Ingram, Town Solicitor
 Mr. J. Krubnik, Acting General Manager – Development Services
 Ms. M. Gandhi, Acting CAO

RE: 31 Sand Road – Council Direction

Dear Ms. Ingram, Mr. Krubnik, and Ms. Gandhi,

The purpose of my letter is to document my follow-up into the direction given at the Tuesday September 16th, 2025 Council Meeting whereby Council passed a resolution by all Councillors voting unanimously to list 31 Sand Road on the Municipal Heritage Registrar.

It has now been one week since council passed the resolution, and it is my understanding that currently the property has not yet been listed on East Gwillimbury’s Municipal Heritage Registrar.

The Ontario Heritage Act (OHA) states that **properties not designated under the Act, can be included on the registrar**, if they are in the opinion of Council, of cultural heritage value or interest.

Further, it states that properties on the registrar (but not designated), would have a requirement of an owner to give a 60 day notice of any demolition where permitting currently existed.

This legislation transparently exists to allow municipal councils time to contemplate a future Heritage Designation of the property.

My comments at the September 16th, 2025 meeting, surrounding my worst fears in that buildings would be demolished and land being disturbed without this being enacted, have come to fruition.

While the identified “Log Cabin” remains with five other buildings being demolished, I believe it was both the spirit and intent of the the Council resolution to have a statutory pause on all demolition activities until such time appropriate studies could be conducted. This was critical to ensure that the property was without disturbance while undertaking the appropriate studies.

In my verbal communications with Ms. Gandhi, I have remained consistent in my approach that Council’s direction should be enacted, by placing the not designated property of 31 Sand Road on the municipal Heritage Registrar.

Respectfully submitted,

Brian Johns
 Councillor, Town of East Gwillimbury

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Marketplace



Notifications



Menu

Schedule B - September 21, 2025 Q and A document - Sand Road Development- Sent to all Members of Council

Sand Road – Questions and Answers

The Town has received numerous questions regarding development applications for 31 Sand Road. (File: OPA.25.03 and ZBA.25.12). The following questions and answers have been prepared to help residents keep up to date on the proposed development of the property. In addition to the information below, all development application materials submitted to the Town by the owner of 31 Sand Road can be found online:

[31 Sand Road - 31 Sand GP Ltd. - The Town of East Gwillimbury](#)

The statutory public meeting regarding the development applications will take place on Tuesday, October 21, 2025 at 6 p.m. in Council Chambers (19000 Leslie Street). Council will not make a decision on the development applications on October 21. This meeting is required under the *Planning Act* and will give the public an opportunity to learn more about the proposed development and provide an opportunity for public feedback.

You can engage in the planning process in several ways:

- **Submit Written Comments:** Send your feedback by email to planning@eastgwillimbury.ca or by mail to 19000 Leslie Street, Sharon ON L0G1V0
- **Speak at the Public Meeting:** Register in advance with the Clerk's Office at clerks@eastgwillimbury.ca or sign up before the meeting begins.
- **Attend and observe:** Join the statutory public meeting in the Council Chambers or watch online on the Town's [YouTube](#) channel, or view the recording afterwards at your convenience.

All written and oral comments form part of the official public record under the *Planning Act*. This ensures your feedback is considered by Council before a decision is made.

Have a further question or comment? Email planning@eastgwillimbury.ca, or call or 905-478-4283. Comments are welcome throughout the application review process.

About 31 Sand Road and how to give feedback

What is proposed for 31 Sand Road?

The owner of 31 Sand Road submitted Official Plan Amendment and Zoning By-law Amendment applications on June 26, 2025. Town Planning staff deemed the applications complete on July 21, 2025.

A complete application under the *Planning Act* is one that provides the municipality with all of the prescribed information (i.e. reports, drawings, studies, etc.) and any locally required supporting studies.

Prior to Council considering and making any decisions with respect to the proposed development, there will be an extensive planning process including future staff reporting to Council with information and recommendations

The merits of the proposed development will be addressed through the Town's technical review process and further reports to Council.

A statutory public meeting will be held on **Tuesday, October 21, 2025 at 6 p.m.** in Council Chambers (19000 Leslie Street). This is an opportunity for Council and members of the public to provide feedback on the development applications. **Council will not make any decisions on the applications on October 21.**

What can I expect at the October 21 statutory public meeting? Do I need to attend for my comments to be received?

The statutory public meeting is an opportunity for the public to hear from the owner regarding the proposed development .in an official Council meeting format. The developer will make a presentation, receive feedback and respond to the questions from Council and residents who have registered to speak.

You may share comments in advance of the statutory public meeting in writing via email to planning@eastgwillimbury.ca . See the next question for information on how written comments carry the same weight as oral submissions.

Council is live streamed. Watch the meeting live on the Town's [YouTube](#) channel, or view the recording afterwards at your convenience.

To speak at the October 21 statutory public meeting , residents may register in advance by emailing clerks@eastgwillimbury.ca to be added as a speaker or they may register at the meeting by completing the required form.

Do written comments on the proposed development carry the same weight as speaking at the statutory public meeting?

Written comments are submissions (letters, emails, etc.) provided by residents, agencies, or interested parties specifically in relation to a planning application.

Written comments are part of the statutory public record for the development application under the *Planning Act* and carry the same weight as oral submissions made at the statutory public meeting.

Written comments are typically compiled by Planning staff and included in the planning report or background file regarding a development application. They are not treated as stand-alone agenda correspondence items and are not addressed through individual correspondence. The Planning report will address concerns raised in written comments.

You may share comments in advance of the meeting in writing by emailing planning@eastgwillimbury.ca.

Will there be room for me at the October 21 statutory public meeting?

Attendees are welcome in person. Staff are planning several overflow spaces in the Civic Centre for the evening of October 21. Please be advised that Fire Code regulations must be followed for all rooms and spaces at the Civic Centre. For those who plan to speak, please note that seating in the Chamber is limited and there may need to be some flexibility by attendees to allow speakers to move to the podium, should capacity be reached.

I heard that the owner is holding a community information session on October 1. How is this different from the Town's statutory public meeting?

The owner has indicated that they will be holding a community information session on October 1, 2025, from 6:30pm to 8:30pm at the East Gwillimbury Sports Complex (1914B Mt Albert Rd, Sharon, ON L0G 1V0). This session is being held at the owner's discretion as part of their community outreach efforts. The Town is not involved in the organization or facilitation of the owner's community information session. and is not a requirement of the *Planning Act*. The owner is interested in respectful dialogue with the community.

Built Heritage Resources

Is there a heritage building on the property?

The Council meeting on September 16, 2025, was the first time Council and Staff heard claims regarding the potential existence of a built heritage resource on the property. Specifically, residents have claimed that a historic log cabin exists within an existing structure on the property. In response to residents' concerns, the owner has agreed to retain a heritage expert to conduct an assessment of the structure.

EG is aware of the community's strong interest in the future of the property with respect to a potential built heritage resource. Staff are working closely with the owner, legal counsel, and heritage experts to assess claims that the structure on the property is a built heritage resource of cultural heritage value or interest.

Has any development activity taken place on the property to date?

The owner legally demolished five of the six structures on the property starting on Monday, September 22. This was allowed through a demolition permit issued by the Town's Chief Building Official in June 2024. The owner has committed to withholding demolition of the remaining structure while heritage assessments are being undertaken. The structure has been roped off for protection.

Is the property listed on the Town's register of heritage properties?

No, it is not.

EG's heritage properties are listed in the Town's Heritage Register. There are 392 properties listed in the Heritage Register, with 12 of those properties being designated pursuant to section 29 of the *Ontario Heritage Act*

You can view the [Register of Cultural Heritage Properties](#) to determine if a certain property is on the list. You can also view the [Heritage Registry Review Report, 2021](#).

More information on Heritage in EG can be found here: [Heritage - The Town of East Gwillimbury](#).

Were any site visits or inspections of the property conducted by the Town prior to deeming the application "complete"?

No. Town staff rely on the Town's Heritage Register to identify heritage resources. As a standard process, the Town does not make site visits as part of the initial complete application stage of a development application

How has the Town's Heritage Advisory Committee been involved?

On September 18, 2025, information related to the potential heritage resources at 31 Sand Road, was discussed at the Town's Heritage Advisory Committee. The Heritage Advisory

Committee is scheduled to provide Council with its recommendations concerning the property on Oct. 21, 2025.

Archaeological Assessment of 31 Sand Road

Did the Town require an Archaeological Assessment of the property? What were the findings?

Yes, as a part of the submission, the developer submitted a Stage 1 and Stage 2 Archeological Assessment. These reports can be found in the [online portal](#) (under Application documents and materials) which includes all documents related to this application.

The Stage 2 Assessment recommended a Stage 3 Assessment be conducted for an identified area of the property. This means, a further and more detailed archaeological study of that area will be conducted.

Are there Indigenous artifacts on site? Have First Nations been consulted with respect to this property?

Further archeological assessment and Indigenous engagement are underway.

- The developer will be undertaking a Stage 3 Archeological Assessment over an area of the site identified during the Stage 2 assessment already conducted.
- The Stage 3 assessment will involve engagement with Indigenous communities.
- Town staff have also reached out to the Georgina Island First Nation to ensure they are informed and included in the process.

Safety at 31 Sand Road

What are EG and the developer doing to keep the site safe for the community?

Health and safety, and property standards are top priorities.

- The structures that were demolished were in very poor condition, with ongoing health and safety concerns and a history of property standards complaints dating back to 2021.
- For public safety, the property was secured with on-site security during demolition.

- The Town and owner are aware that there has been ongoing and recent trespassing on the property. Trespassing onto private property is illegal; if you observe trespassing on this property, please report to York Regional Police.

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